

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE APPLICATION OF BENJAMIN STEINMETZ
FOR AN ORDER TO TAKE DISCOVERY FROM
VALE S.A., VALE AMERICAS INC., RIO TINTO
PLC, AND RIO TINTO LIMITED PURSUANT TO
28 U.S.C. § 1782

Case No. _____

**APPLICATION OF BENJAMIN STEINMETZ FOR AN ORDER
UNDER 28 U.S.C. § 1782 TO TAKE DISCOVERY FROM
VALE S.A., VALE AMERICAS INC., RIO TINTO PLC, AND RIO TINTO LIMITED
FOR USE IN FOREIGN PROCEEDINGS**

KOBRE & KIM LLP
800 Third Avenue
New York, New York 10022
tel. +1 212 488 1200
fax. +1 212 488 1220

*Attorneys for Applicant
Benjamin Steinmetz*

Upon the Memorandum of Law and the accompanying declarations, Benjamin Steinmetz respectfully petitions this Court for an order, pursuant to 28 U.S.C. § 1782, authorizing him to serve the subpoenas set forth in **Exhibits 2–5** to the Declaration of Josef M. Klazen upon Vale S.A., Vale Americas Inc., Rio Tinto plc, and Rio Tinto Limited, to gather information for use in Mr. Steinmetz’s proceedings in the United Kingdom against Vale S.A., Vale Holdings B.V. (“Vale Holdings”), and Vale International S.A. (“Vale International”) (the “UK Proceedings”).

As set forth in greater detail in the accompanying Memorandum of Law, Mr. Steinmetz’s Application satisfies each of the statutory requirements. Vale S.A., Vale Americas Inc., Rio Tinto plc, and Rio Tinto Limited are “found” in the Southern District of New York for purposes of Section 1782. The requested discovery is sought “for use” in the UK Proceedings against Vale S.A., Vale Holdings, and Vale International. Moreover, as a party to the UK Proceedings, Mr. Steinmetz is an “interested person.” Further, as shown in the Memorandum of Law, the discretionary factors identified in *Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241 (2004) strongly support granting Mr. Steinmetz’s Application.

Accordingly, Mr. Steinmetz respectfully requests that the Court grant his Application and enter the Proposed Order attached to the Declaration of Josef M. Klazen as **Exhibit 1**, authorizing him to serve the subpoenas attached to the Declaration of Josef M. Klazen as **Exhibits 2–5**.

Dated: New York, New York
May 21, 2020

Respectfully submitted,

/s/ Michael S. Kim

KOBRE & KIM LLP
800 Third Avenue
New York, New York 10022

Michael S. Kim
+1 212 488 1201
michael.kim@kobrekim.com

Josef M. Klazen
+1 212 488 1216
josef.klazen@kobrekim.com

Robin Rathmell
+1 202 664 1941
robin.rathmell@kobrekim.com

Victoria R. Morris (motion for
admission *pro hac vice* pending)
+1 305 967 6131
victoria.morris@kobrekim.com

Carolina Leung
+1 212 488 4948
carolina.leung@kobrekim.com

Attorneys for Applicant
Benjamin Steinmetz